

## REMARKS

This application has been carefully reviewed in light of the Office Action dated June 19, 2003 (paper no. 11). Claims 1, 6 to 19, 24, 25 and 28 are in the application, of which Claims 1, 19 and 28 are the independent claims. Reconsideration and further examination are respectfully requested.

Turning first to a formal matter, an objection was lodged against the drawings, with a requirement being made to show the means for rotationally moving a detector, as specified in lines 15 to 17 of Claim 19, or to cancel such language from the claims. The language has been cancelled as requested.

In addition, Claim 1 was objected to for an informality. Claim 1 has been amended to attend to this objection. Accordingly, withdrawal of this objection is respectfully requested.

Claims 1, 6 to 19, 24, 25 and 28 were rejected under 35 U.S.C. § 112, first paragraph. Specifically, the Office Action alleged that Claims 1 and 19 specified rotation of both the samples and the excitation light illumination/detection portions, and that such a feature was not described in the specification. The rejection is respectfully traversed. The claim language in Claims 1 and 19 only indicate that there is relative movement between the samples and the excitation light illumination/detection portions. Claims 1 and 19 have been amended to further clarify the foregoing. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Claim 28 was rejected under 35 U.S.C. § 102(b) over U.S. Patent 5,528,050 (Miller). The rejection is respectfully traversed.

The present invention as recited by Claim 28 concerns a method for measuring fluorescence emitted from samples on a measuring surface of a substrate by

illuminating the samples with excitation light. An excitation light illumination portion and a light detecting portion are placed in such a manner as to make it possible to prevent the excitation light from approaching the light detecting portion where measurements are made of the fluorescence. The fluorescence emitted from the samples is measured while moving the excitation light illumination portion and the light detecting portion relative to the samples, which are not moved.

Thus, according to one feature of the invention as recited by Claim 28, the fluorescence emitted from the samples is measured while moving the excitation light illumination portion and the light detecting portion relative to the samples, and the samples are non-moving.

Miller is not seen to teach or disclose at least the foregoing feature.


In Miller, a scan head contains both a laser light source for stimulating a sample and a detector. As Applicants understand Miller, the laser emission and detection are carried out at the same time and the same position. Then, both the laser light source and detector are moved together in the scanning head to a different position to stimulate and detect a different sample. Unlike the present invention, Miller does not measure the samples while moving the excitation light illumination portion and the light detecting portion relative to the samples. Accordingly, withdrawal of the Section 102 rejection is respectfully requested.

Claim 18 was rejected under 35 U.S.C. § 103(a) over JP 2000-321206 (Yurino). The rejection is respectfully traversed, and clarification is requested. Specifically, Claim 18 is dependent on Claim 1, which was not rejected. Accordingly, the rejection of Claim 18 is not understood.

No other matters being raised, it is believed the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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